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5 Attorney for Defendant
6 FRANK GOWANS

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 FRANK GOWANS, JR.,

14 Defendant.

15 CASE NO. 2:21-CR-00035 JAM

16 STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

17 DATE: February 1, 2022

TIME: 9:30 a.m.

COURT: Hon. John A. Mendez

18 This case is set for a status conference on February 1, 2022. By this stipulation, the parties
request a continuance of the status conference to March 1, 2022 at 9:30 a.m., and to exclude time under
Local Code T4, for the reasons set forth below.

19 **STIPULATION**

20 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
21 through defendant's counsel of record, hereby stipulate as follows:

- 22 1. By previous order, this matter was set for status on February 1, 2022.
23 2. By this stipulation, defendants now move to continue the status conference until March 1,
24 2022 at 9:30 a.m., and to exclude time between February 1, 2022, and March 1, 2022, under Local Code
25 T4.
26 3. The parties agree and stipulate, and request that the Court find the following:
27 a) The defense needs more time to address the defendant's medical issues.
28 b) The government has provided discovery associated with this case to date.

1 c) Counsel for defendant needs additional time to address the defendant's medical
2 conditions, review the discovery in this case, to conduct independent factual investigation, to
3 research trial and sentencing issues, to consult with their clients, and to otherwise prepare for
4 trial.

5 d) Counsel for the defendant has also been preparing for trial in other cases in this
6 district and in state court. A continuance is needed for continuity of counsel.

7 e) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 f) The government does not object to the continuance.

11 g) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of February 1, 2022 to March 1,
16 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

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1 IT IS SO STIPULATED.
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Dated: January 27, 2022

PHILLIP A. TALBERT
Acting United States Attorney

5 /s/ JASON HITT
6 JASON HITT
7 Assistant United States Attorney
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10 Dated: January 27, 2022

11 /s/ David D. Fischer
12 David D. Fischer
13 Counsel for Defendant
14 FRANK GOWANS, JR.
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2 **FINDINGS AND ORDER**
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5 IT IS SO FOUND AND ORDERED this 27th day of January, 2022.
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8 /s/ John A. Mendez
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10 THE HONORABLE JOHN A. MENDEZ
11 UNITED STATES DISTRICT COURT JUDGE
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